



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,311	10/24/2003	Pam Brumfield	C02-0034-000	1454
52246	7590	01/21/2009	EXAMINER	
AT&T Legal Department			CHAMPAGNE, LUNA	
Attn: Patent Docketing				
One AT&T Way			ART UNIT	
Room 2A-207			PAPER NUMBER	
Bedminster, NJ 07921			3627	
			MAIL DATE	
			DELIVERY MODE	
			01/21/2009	
			PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/693,311

Applicant(s)

BRUMFIELD ET AL.

Examiner

LUNA CHAMPAGNE

Art Unit

3627

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Applicant's submission filed on 09/16/08 has been entered. Claims 1-24 are presented for examination.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1, 2, 7, 8, 13, 14, 19, 20, are rejected under 35 U.S.C. 102(e) as being anticipated by Ellis (2002/0198629 A1).

Re claims 1, 7, 13, 19, Ellis discloses a method/system/computer program product for automated tracking of events associated with a billing cycle for use in connection with a computerized billing system, comprising the steps of:

retrieving a billing schedule specifying a plurality of billing cycle events for the billing cycle (*see e.g. paragraph 0078 – Alternate billing cycles or specific dates may be selected or specified*);

identifying a first billing cycle event from the plurality of billing cycle events (*see e.g. paragraph 0083 – the user is specifying a billing cycle 605 which is non-standard*);

accessing a first rule set corresponding to the first billing cycle event, the first rule set defining prespecified rules for computing an expected value for the billing cycle event and for determining an actual value for the billing cycle event from information generated by the computerized billing system; and executing the first rule set to compute the expected value and determine the actual value for the first billing cycle event (*see e.g. paragraph 0082 - the system selects and applies the correct standard calculation from amongst the stored rules in providing the report of actual usage, forecast usage and/or cost estimates*).

Re claims 2, 8, 14, 20, Ellis et al. disclose a method/system/computer program product, further comprising the step of: responsive to a web page request, creating a web page containing indicia representative of the expected value and the actual value for the first billing cycle event (*see e.g. paragraph 0057*).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-6, 9-12, 15-18, 21-24, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis (2002/0198629 A1), in view of Amadon et al. (5,517,555).

Re claims 3, 5, 9, 11, 15, 17, 21, 23, Ellis et al. do not explicitly disclose a method/system/computer program product, further comprising the steps of issuing a first notification if the actual value for the first billing cycle event exceeds a first predetermined threshold; subsequent to issuing the first notification, determining an updated actual value for the first billing cycle event; and issuing a second notification if the updated actual value exceeds the second predetermined threshold.

However, Amadon et al. disclose a method/system/computer program product, further comprising the steps of issuing a first notification if the actual value for the first billing cycle event exceeds a first predetermined threshold (*see e.g. col. 9, lines 9-15*); subsequent to issuing the first notification, determining an updated actual value for the first billing cycle event; and issuing a second notification if the updated actual value exceeds the second predetermined threshold (*see e.g. col. 9, lines 32-56*).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time of the invention to modify Ellis et al. and include the steps of issuing a first notification if the actual value for the first billing cycle event exceeds a first predetermined threshold; subsequent to issuing the first notification, determining an updated actual value for the first billing cycle event; and issuing a second notification if the updated actual value exceeds the second predetermined threshold, as taught by Amadon et al., in order to exercise effective control over customer payments by sending timely notifications.

Re claims 4, 6, 10, 12, 16, 18, 22, 24, it is considered a design choice to create a web page containing indicia representative of the first notification and a second notification.

Amadon et al. sends notifications to the terminals and printer in the customer service center (*see e.g. col. 9, lines 36-42*).

Response to Arguments

3. Applicant's arguments filed 9/16/08 have been fully considered but they are not persuasive. Overall, Ellis et al., in view of Amadon et al. anticipate the limitations as claimed by Applicant. Specifically, in paragraph 0014, Ellis et al. describe "utility meters querying or polling meters for information at a periodic interval corresponding to the billing interval". The Examiner interprets each interval to be within a billing cycle and therefore is equivalent to a billing cycle event. The intervals include billing information on events such as usage. Furthermore, paragraph 0060 of Ellis et al. describe "the meter information from the customer information system 419 being communicated to the billing engine 401", also interpreted as retrieving billing schedule (plurality of intervals/billing cycle events). The dependent claims are subject to the same rejection. The rejection is maintained.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUNA CHAMPAGNE whose telephone number is (571)272-7177. The examiner can normally be reached on Monday - Friday 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Luna Champagne/
Examiner, Art Unit 3627

January 14, 2009

Application/Control Number: 10/693,311

Page 7

Art Unit: 3627

/F. Ryan Zeender/

Supervisory Patent Examiner, Art Unit 3627